

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 5, 2016**

PRESENT: Frank A. de la Fe, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Karen Keys-Gamarra, Sully District
James R. Hart, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
Peter F. Murphy, Springfield District
Janyce N. Hedetniemi, Commissioner At Large
Timothy J. Sargeant, Commission At-Large

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

SE 2016-MV-010 – MARC ANTHONY MUSSOLINE

(Start Verbatim Transcript)

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes?

Commissioner Hart: Thank you.

Vice Chairman de la Fe: Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. First, I have a deferral. Commissioner Flanagan couldn't be here tonight but for SE 2016-MV-010, we were scheduled to have a public hearing. I MOVE THAT WE DEFER THAT PUBLIC HEARING TO OCTOBER THE 27TH.

Commissioner Ulfelder: Second.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT – REFERENCE CITATIONS FOR NURSERY SCHOOLS, CHILD CARE CENTERS, & VETERINARY HOSPITALS; SPECIAL PERMIT SUBMISSION REQUIREMENTS; VARIANCE STANDARDS; AND CLARIFICATION OF THE DEFINITION OF PUBLIC USE (Countywide) (Decision Only)
(The public hearing was held on September 22, 2016)

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. I also have a decision only. We had a public hearing on September 22nd, on a proposed Zoning Ordinance Amendment with many different subjects and I – I think the – the issue that took the most time at the – at the public hearing was the potential expense to the applicant in a home child care case of doing both a certified plat and a certified floor plan. And I think what we've tried to do is to balance the expense to the applicant against the need for accurate and complete information. And – and one of the things that has made some of the child care cases more complicated is the absence of a certified plat with current and accurate information. Following the public hearing and – and in consultation with staff, what I'm going to suggest, which is reflected in the handout that you should have received both in hard copy and by email before tonight, is that we retain the staff recommendation about the certified plat but that we delete the references to the floor plan being certified. Although, we would keep the requirement for the information being provided. And I would couple that with a follow-on motion that we'll continue to look at that for the next couple of years and if it turns out we – we still decide we are going to need the floor plans we'll come back to that. But I – I think an incremental approach to this may be appropriate and we do want to promote child care. I don't think we can continue to do it without the certified plats and this is, I think, a reasonable resolution of the concerns expressed at the public hearing. And on the other issues, I think we're – we're already at a consensus. Therefore, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING REFERENCE CITATIONS FOR NURSERY SCHOOLS, CHILD CARE CENTERS AND VETERINARY HOSPITALS; SPECIAL PERMIT SUBMISSION REQUIREMENTS; VARIANCE STANDARDS; AND DEFINITIONS OF PUBLIC USE AND SCHOOL OF GENERAL EDUCATION, SUBJECT TO THE

FOLLOWING CHANGES, AS DISTRIBUTED BY STAFF TONIGHT AND DATED OCTOBER 5, 2016:

- FIRST, THAT PARAGRAPH 5, OF SECTION 8-305; PARAGRAPH 5, OF SECTION 8-907; AND PARAGRAPH 14 OF SECTION 8-918, BE AMENDED BY STRIKING THE PROPOSED LANGUAGE THAT THE DIMENSIONED FLOOR PLAN SHALL BE CERTIFIED BY AN ENGINEER, ARCHITECT, OR SIMILAR LICENSED PROFESSIONAL;
- AND SECOND, IN THOSE SAME PARAGRAPHS, DELETING THE LAST SENTENCE CONTAINING THE WAIVER PROVISIONS FOR THE CERTIFIED DIMENSIONED FLOOR PLAN, AS THIS IS NO LONGER NECESSARY GIVEN THE PROPOSED CHANGES.

Vice Chairman de la Fe: Second. I – I'll second it.

Commissioner Ulfelder: Mr. Chair?

Vice Chairman de la Fe: Yes?

Commissioner Ulfelder: I – I was not present for the public hearing but I have reviewed the recording of the public hearing as well as all the materials in connection with it, so I plan on voting on this tonight and support the motion. I also want to point out that it includes a provision as involving the definition of public use and schools of general education in the Ordinance. You will recall, we had a recent case involving a public school that is not a Fairfax County Public School but that is operated by one of our adjacent jurisdictions that came to us under the 2232 provisions because of the then longstanding Zoning Administrator's interpretation that it best fit under the term of "public facility." This – this amendment or these two changes within the – this series of amendments will clarify that. We've also, as was stated by staff at the public hearing and I think later confirmed by the County Attorney's Office, this is entirely prospective and will not in any way effect the – the application and the decision that we made several weeks ago involving the Falls Church City Public School in – that's located in Fairfax County.

Vice Chairman de la Fe: Okay, thank you. Any further discussion?

Commissioner Hart: Mr. Chair?

Vice Chairman de la Fe: Yes, Mr. Hart?

Commissioner Hart: Before we vote, I – I think I neglected to say at the end of the motion WITH THE FURTHER RECOMMENDATION THAT THE AMENDMENT TAKE EFFECT AT 12:01 A.M. ON THE DATE FOLLOWING ADOPTION BY THE BOARD OF SUPERVISORS. Mr. Hushour, is that – that's exactly?

Andrew Hushour, Zoning Administration Division, Department of Planning and Zoning: That is correct, yeah.

Commissioner Hart: Okay, thank you.

Vice Chairman de la Fe: Okay, without having seconded I – having seconded I will accept that clarification. Any further discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: Yeah, secondly, that – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT STAFF BE DIRECTED TO REEVALUATE THE SUBMISSION OF UNCERTIFIED DIMENSIONED FLOOR PLANS TWO YEARS FOLLOWING THE ADOPTION OF THE AMENDMENT AND REPORT BACK THEIR FINDINGS IF APPROPRIATE. The purpose of the evaluation is to determine whether the adopted special permit application submission requirements are working as intended, and special exception too in those categories, or whether further Zoning Ordinance changes are necessary.

Commissioner Ulfelder: Second.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those if favor, please signify by saying aye.

Commissioner: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

The motion carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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Since the following case was in the Hunter Mill District, Secretary Hart assumed the chair.

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RZ 2015-HM-005 – PULTE HOME CORPORATION (Decision Only)
(The public hearing was held on September 29, 2016)

(Start Verbatim Transcript)

Secretary Hart: I recognize Commissioner de la Fe.

Commissioner de la Fe: Thank you, it's RZ 2015-HM-005, Pulte Home Corporation. We held a public hearing on this last week, 9-29, and then there – the staff continues to recommend denial on – on this application. If I understand it correctly, they base it on the overall design and their primary – the - their preference that one set of two-over-two's be removed so that there would be greater open space and that there would be a – in effect a better layout. In any case like this, which is for a relatively small property, in an area which is going to be subject of substantial redevelopment, I – it is difficult for the first item to come up to be the probably the smallest piece of this. As was discussed during the public hearing, the applicant made a rather substantial effort to meet the transportation requirements of the staff - that the staff had requested on, you know, as far as the street layout and, you know, contributions and so forth. The, to me, I – I – I really don't like to go against staff on this but to me in all cases are when – when they're not perfect, and I don't think many of them are, represent compromises. In this case, to me, the compromise of centers around the design for – the – those two units at the end and if we did not keep them the applicant has made it clear that it would be very difficult, if not impossible, for them to meet the commitment that they have made to provide WD – three WDU's with three bedrooms each, which is something that WDU's particularly with three bedrooms are very necessary. There have been questions as to the loading spaces and access for trash trucks and that, I believe that any area that is as small as this or in almost any urban area which this is, or will become, those are things that can be handled if the – the road are wide enough. And I believe that the alley where the trash trucks will come in is wide enough to not impede the access of residents and that the trash can be loaded and unloaded without overdue inconvenience. So, as I said, this is – it is very difficult when I have a staff recommendation for denial and a – a advisory committee, Reston Planning and Zoning, for approval. That – that sort of leaves that up to me. It's easy when they both agree, either for denial or for approval, but when they're split it makes it difficult. To me, the reason I will recommend approval is revolves primarily about the need for the WDU's in this, in - not only in this area but throughout Reston and throughout the county. And the fact that the applicant has made a concerted effort to work with other developers in the area and that's what is stated by staff – the Transportation Department staff last week. There is nothing in this development that will impede the development of other developers in the area. Therefore, Mr. Chairman, given that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2015-HM-005, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED RELY (sic) – AND DATED REVISED SEPTEMBER 13, 2016.

Commissioner Migliaccio: Second.

Secretary Hart: Seconded by Commissioner Migliaccio. Discussion? Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Yes, Mr. Chair, I am not going to be able to support this today. I – and part of the reason is because this is one of the first developments and I'm very concerned about access in terms of emergency vehicles as well as trash trucks and things of that nature. I'm also concerned about the reduced open space and I did review the letter from the other potential developer and I noted that he did not make any commitment for shared open space, although he mentioned it. And I'm – the biggest concern is just the precedential value. I think that if we make significant adjustments here and allowances the – the following developers will expect the same thing. And that's of significant concern for me because I think it can produce quality of life concerns.

Secretary Hart: Further discussion on the motion? Seeing none, we'll move to a vote. All those in favor of the motion as articulated by Commissioner de la Fe, please say aye.

Commissioners de la Fe, Hurley, Migliaccio and Ulfelder: Aye.

Secretary Hart: Those opposed?

Commissioners Keys-Gamarra and Strandlie: Nay.

Secretary Hart: The motion carries. The Chair abstains. I think it's one, two, three, four, five to one, with one abstention.

Commissioner Strandlie: I actually voted nay.

Secretary Hart: Oh, I'm sorry, 4-2, with one abstention. Thank you. Mr. de la Fe?

Commissioner de la Fe: Okay, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS THAT WERE HANDED OUT TONIGHT DATED OCTOBER 5TH, 2016, WHICH SHALL BE MADE A PART OF THE RECORD FOR THIS CASE.

Commissioner Migliaccio: Second.

Secretary Hart: Seconded by Commissioner Migliaccio. Discussion on that motion?
Commissioner Keys-Gamarra?

Commissioner Keys-Gamarra: Oh, I'm sorry. Could he repeat the motion?, I'm sorry, I didn't hear what he said.

Commissioner de la Fe: The – THE MOTION IS TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS DATED OCTOBER 5TH, 2016, WHICH SHALL BE MADE A PART OF THIS RECORD.

Secretary Hart: Further discussion on that motion? Seeing none, we'll move to a vote. All in favor of the motion as articulated by Commissioner de la Fe, please say aye.

Commissioners de la Fe, Hurley, Migliaccio and Ulfelder: Aye.

Secretary Hart: Those opposed?

Commissioner Keys-Gamarra and Strandlie: Opposed.

Secretary Hart: Then, Chair abstains again. The same - same division, 4-2 with one.

The motions carried by a vote of 4-2-1. Commissioners Keys-Gamarra and Strandlie opposed. Commissioner Hart abstained. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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Vice Chairman de la Fe resumed the chair.

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PCA 95-Y-016-05/SEA 95-Y-024-05 – LIDL US OPERATIONS, LLC

(Start Verbatim Transcript)

Commissioner Keys-Gamarra: Thank you. This is with respect to LIDL. I have a motion to defer a public hearing. I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PCA 95-Y-016-05 AND SEA 95-Y-024-05 TO A DATE CERTAIN OF NOVEMBER 10TH.

Commissioner Hart: Second.

Vice Chairman de la Fe: It's been moved and seconded. Any discussion? All those in – what – what was the date that you?

Commissioner Keys-Gamarra: November 10th.

Vice Chairman de la Fe: November 10th, okay, 2016 right?

Commissioner Keys-Gamarra: 2016.

Vice Chairman de la Fe: Okay, that's for the LIDL US Operations, LLC.

Commissioner Keys-Gamarra: LIDL.

Vice Chairman de la Fe: LIDL, okay. Okay, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. AR 83-S-007-04 – MARY E., VICTORIA ANNA, GIFFORD RAY, AND MELISSA V. HAMPSHIRE
2. SE 2015-SU-034 – PDG DALY DRIVE, LLC
3. PCA 2010-PR-022 – TMG SOLUTIONS PLAZA LAND, LP
4. SE 2016-LE-005 – RUTH VILLANUEVA d/b/a THE LITTLE HOME DAYCARE

This agenda was accepted without objection.

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AR 83-S-007-04 - MARY E., VICTORIA ANNA, GIFFORD RAY, AND MELISSA V. HAMPSHIRE – A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 30, 1983 to permit renewal of a previously approved agricultural and forestal district. Located at 6295 Newman Rd., Fairfax, on approx. 25.0 ac. of land zoned R C, WS. Tax Map 76-1 ((1)) 1Z and 26Z. (SPRINGFIELD DISTRICT) (PUBLIC HEARING)

Commissioner Migliaccio asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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(Start Verbatim Transcript)

Vice Chairman de la Fe: I close the public hearing. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. As you mentioned earlier, this case is in the Springfield District, I am handling it for Commissioner Murphy this evening. It's a fairly simple A&F case and I just want to thank the owners for protecting these twenty-five acres since 1984, with one minor change of a lot for a family to build a house on. Other than that, it has remained in the A&F District - as an A&F District since 1984; therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 83-S, S-007-04 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE HANSLOT LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS CONSISTENT WITH THOSE DATED SEPTEMBER 21, 2016, WHICH ARE CONTAINED IN THE STAFF REPORT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

The motion carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

End Verbatim Transcript

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SE 2015-SU-034 - PDG DALY DRIVE, LLC – Appl. under Sects. 5-504 and 9-501 of the Zoning Ordinance to permit eating establishments, fast food restaurants, and quick service food stores. Located at 4500 Daly Dr., Chantilly, 20151, on approx. 6.58 ac. of land zoned I-5, WS. Tax Map 44-1 ((1)) 13B2. (SULLY DISTRICT) (PUBLIC HEARING)

Lori Greenlief, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated August 25, 2016.

Commissioner Hart disclosed that his law firm of Hart and Horan, PC has an ongoing case where Jeffrey T. Parana, who is listed as agent for the title owner and as a shareholder of one of the entities, is an adverse party and would therefore, recuse himself from the case.

Michael Lynskey, Zoning Evaluation Division, Department of Zoning and Planning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2015-SU-034.

Commissioner Ulfelder referred to a letter dated October 5, 2016, from the Brookfield Corporate Center Property Owners Association, concerning the request for a new crosswalk location on Daly Drive along with a high visibility crosswalk on Willard Road and asked staff whether the Fairfax County Department of Transportation (FCDOT) had issued a response. Mr. Lynskey said that FCDOT had indicated that the proposed crosswalk on Daly Drive may not be supported by the Virginia Department of Transportation (VDOT) because it would be located at un-signalized property entrances instead of intersections, would need to be linked to the existing sidewalk, and would require further work on the other side of the street along the property frontage to make it American with Disabilities Act (ADA) compliant. With regard to the high visibility crosswalk on Willard Road, he said that FCDOT had assumed that there was a currently existing pedestrian signal and that it met the VDOT standard for pedestrian crossing times. Kris Abrahamson, DPZ, ZED, said that FCDOT had conducted an operational analysis to determine how much traffic the different uses would generate. She noted that the issue of pedestrian traffic had not been raised until today with that letter.

Ms. Greenlief said that the goal of this application was to keep the office and industrial workers on the south side of Willard Road, thereby reducing pedestrian traffic across Willard Road, by offering food options which were currently only available on the north side. Ms. Greenlief confirmed that there was a pedestrian signalized crossing at the intersection of Willard Road and Daly Drive. She said that this application would not generate additional pedestrian traffic because it was not visible to the Expo Center and noted there were also a variety of restaurant choices in between. Ms. Greenlief said there were existing pedestrian connections in the area and any requiring further improvements to the crosswalks would be a burden on the applicant. She summarized the improvements that the applicant had made to the property, which included the following: restored façade along Willard Road, resurfaced parking lot, and additional landscaping and parking lot lighting. She said the applicant wanted to enhance the existing building for its current and future tenants through the addition of the proposed special exception uses. Ms. Greenlief noted that the applicant agreed to the development conditions which reflected limitations on the higher trip generation uses such as fast food.

Commissioners Keys-Gamarra and Ulfelder discussed with Ms. Greenlief the existing crosswalks and handicapped ramps in the area; wherein, Ms. Greenlief said the applicant would consider striping the crosswalks.

Vice Chairman de la Fe called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Keys-Gamarra for action on this item.

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(Start Verbatim Transcript)

Vice Chairman de la Fe: The public hearing is closed. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: I - I just wanted to ask staff what suggestions they might have with respect to addressing the crosswalk concerns, if any.

Kris Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning: I think, if you want to vote on this tonight, we can simply agree to check with Transportation. We can check on the VDOT road project and determine whether or not it is anything in addition to just resurfacing and whether or not they will, you know, remark the crosswalks on Willard. We would have to check the timing if there was a consideration to put a signal here. We would have to have them verify that this, the timing of the signal would allow for an adequate pedestrian crossing time because that wasn't something that was in there before. We can do that. We are almost positive but never, never say never, that they would not allow the mid-block crossing because it won't be signalized. It would just be painted and it wouldn't be protected and it causes hazards. I don't think that they would probably do a signal down here. Whether or not they would allow a painted crosswalk without a signal is, you know, I don't know what the trip rate on Brookfield Corporate Drive is. We could ask. So I would say, you know, if the applicant is willing to work with us we can resolve that before it gets to Board. But, you know, I'm guessing that in the end they're probably not going to want a whole lot of additional improvement here because of the safety factors.

Commissioner Keys-Gamarra: Well, I - I am very familiar with, I'm actually there pretty week - pretty often. My biggest concern would be Willard and the Daly intersection.

Ms. Abrahamson: Yeah.

Commissioner Keys-Gamarra: I - I think there's much less traffic at Daly and - and Brookfield Corporate Drives.

Ms. Abrahamson: Yeah, and I think Willard, you know, I - I can't imagine they would not be striped, the crosswalk, but we really - we just don't know.

Commissioner Keys-Gamarra: So is the applicant willing to follow through on that?

Lori Greenlief, Applicant's Agent, McGuireWoods LLP: Yes, we will work with staff on the crosswalks.

Commissioner Keys-Gamarra: All right. Anything else?

Vice Chairman de la Fe: Okay, yes. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Okay, all right, I - I think that I will rely upon the applicant's word to work with staff and V - VDOT, I believe, before the Board hearing. And I'd like to make a motion to approve. Mr. Chair, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2015-SU-034,

SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED SEPTEMBER 21ST, 2016, WHICH ARE CONTAINED IN THE STAFF REPORT.

Commissioner Ulfelder: Second.

Vice Chairman de la Fe: Been moved and seconded, before we actually...

Commissioner Migliaccio: She needs to come up.

Commissioner Keys-Gamarra: Did I move too fast?

Vice Chairman de la Fe: No - no, that's okay. Before we move to a vote on that could we ask the applicant whether...

Commissioner Keys-Gamarra: Oh, sorry.

Vice Chairman de la Fe: ...the applicant agrees to the development conditions?

Ms. Greenlief: Yes, we agree with the conditions that are in the staff report.

Commissioner Keys-Gamarra: Okay.

Vice Chairman de la Fe: Okay, given that as part of the, you know, the discussion and yes?

Commissioner Hurley: We're just wondering about the quorum question? It's a point of order.

Vice Chairman de la Fe: No, they – they – their, we can – we can vote because there is - a member is out of the room. Okay? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 6-0. Commissioner Hart had recused himself from the vote. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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PCA 2010-PR-022 - TMG SOLUTIONS PLAZA LAND, LP –
Appl. to amend the proffers for RZ 2010-PR-022, previously approved for mixed-use, to permit office, hotel, residential, retail development, and modification to proffers and site design with an overall Floor Area Ratio (FAR) of 5.33. Located between

Leesburg Pike and Greesboro Dr., S. of Westpark Dr., on approx.
7.97 ac. of land zoned PTC, SC and HC. Comp. Plan Rec: Transit
Station Mixed-Use, Residential Mixed-Use, and Park/ Open Space.
Tax Map 29-3 ((15)) 7A2, 7C2, 7G (part), 7H (part), 7J, and 7K.
(PROVIDENCE DISTRICT) (PUBLIC HEARING)

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated September 14, 2016.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two pending cases with Ms. Baker's law firm in which there were attorneys representing adverse parties, but indicated that it would not affect his ability to participate in this case.

Commissioner Hart asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Hart for action on this case.

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(Start Verbatim Transcript)

Vice Chairman de la Fe: Public hearing is closed. Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This is a straightforward case. It has staff's favorable recommendation. We're simply amending a proffer to allow the conversion of 25,000 square feet of residential to office in one building without changing the overall mix. It – it – it has staff's favorable recommendation with which I concur and I've also spoken to Commissioner Lawrence and he believes this makes sense as well. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2010-PR-022, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED AUGUST 18, 2016.

Commissioners Migliaccio and Ulfelder: Second.

Vice Chairman de la Fe: Seconded by Mr. Migliaccio and Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes?

Commissioner Hart: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT ALL PREVIOUSLY APPROVED WAIVERS AND MODIFICATIONS BE REAFFIRMED.

Commissioner Ulfelder: Second.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motions carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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SE 2016-LE-005 - RUTH VILLANUEVA d/b/a THE LITTLE HOME DAYCARE – Appl. under Sects. 6-105, 6-106 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 6007 Southward Way, Alexandria, 22315, on approx. 1,760 sq. ft. of land zoned PDH-4, NR. Tax Map 91-3 ((11)) (21) 106. (LEE DISTRICT) (PUBLIC HEARING)

Ruth Villanueva, Applicant/Title Owner, reaffirmed the affidavit dated April 8, 2016.

There were no disclosures by Commission members.

Commissioner Migliaccio asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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(Start Verbatim Transcript)

Vice Chairman de la Fe: Public hearing is closed.

Commissioner Migliaccio: Thank you, if I can have the applicant please, up to the podium once again. Do you understand and agree to the development conditions as proposed and dated October 3rd, 2016?

Ruth Villanueva, The Little Home Daycare, Applicant: Yes.

Commissioner Migliaccio: Thank you.

Ms. Villanueva: You're welcome.

Vice Chairman de la Fe: Okay?

Commissioner Migliaccio: Thank you, Mr. Chairman. This is a fairly simple home daycare case in the Kingstown area of Lee District. It has the support of the Lee District Land Use Advisory Committee and it has a favorable recommendation from staff. Therefore, Mr. Chairman, once I track down my one motion, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-LE-005, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 3RD, 2016.

Commissioner Ulfelder: Second.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed?

Commissioner Migliaccio: Thank you, Mr. Chairman.

Vice Chairman de la Fe: Motion carries.

The motion carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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CLOSING

October 5, 2016

The meeting was adjourned at 09:13 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Teresa M. Wang

Approved on: March 29, 2017



John W. Cooper, Clerk
Fairfax County Planning Commission